

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/621,527
	Filing Date	July 21, 2000
	First Named Inventor	Mitsuhiko INAGUMA, Shigemitsu TORIYAMA and Yasuo NAKAYAMA
	Group Art Unit	2614
	Examiner Name	Michael W. HOYE Fax: (571) 273-8300
Total No. of Pages in this Submission: 13	Attorney Docket Number	ADACHI P188USP1

ENCLOSURES (check all that apply)

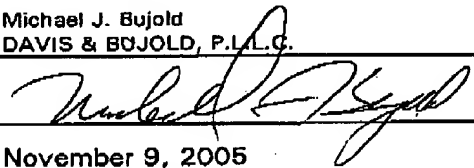
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|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee attached<br><input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request (in Duplicate)<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Part/s Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> To Convert a Provisional Petition<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):<br>-Petition for Withdrawal of Notice of Abandonment<br>-Copy of Notice of Abandonment<br>-Copy of Submitted Issue Fee Docs. |
|--|--|---|

REMARKS

RECEIVED  
OIPE/IAP

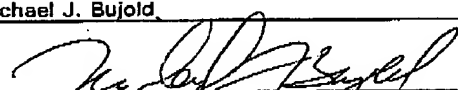
NOV 10 2005

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Michael J. Bujold DAVIS & BUJOLD, P.L.L.C.	Reg. No. 32,018 CUSTOMER NO. 020210
Signature		
Date	November 9, 2005	

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on November 9, 2005

Type or printed name	Michael J. Bujold
Signature	 Date: November 9, 2005 (aag)

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NOV 09 2005

11/9/05

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Mitsuhiko INAGUMA, Shigemitsu TORIYAMA and Yasuo NAKAYAMA
Serial no.	:	09/621,527
Filed	:	July 21, 2000
For	:	IN-BUILDING CATV SYSTEM, DOWN- CONVERTER, UP-CONVERTER AND AMPLIFIER
Group Art Unit	:	2614
Examiner	:	Michael W. HOYE
Docket	:	ADACHI P188USP1

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

## PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

Dear Sir:

In a Notice mailed October 25, 2005 (see attached copy thereof), the Patent Office informed the undersigned that the above identified application was abandoned in view of Applicant's failure to timely pay the required issue fee. This Notice is believed to have been issued in error as the Applicant timely responded by paying the associated issue fee under an April 14, 2005 Certificate of Mailing date (see attached copy of the filed material and the returned postcard confirming receipt of the same). Accordingly, the Applicant respectfully requests withdrawal of the issued Notice of Abandonment and the issuance of the associated patent be expedited in view of the previously filed material.

On the enclosed Transmittal and accompanying payment of the issue fee, it is noted that the Transmittal indicates a Certificate of Mailing date of April 14, 2005 (which is a computer generated date), while form PTOL-85 had a typographical error and incorrectly indicated a Certificate of Mailing date of April 15, 2005. To corroborate the above, enclosed please find a copy of our associated letter to the client, sent to the client via facsimile on April 14, 2005, which confirms that the issue fee for this application was in fact timely paid on April 14, 2005, the last date for attending to the same.

09/621,527

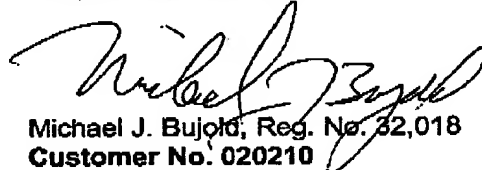
Accordingly, in view of the foregoing, it is respectfully submitted that the issue fee was in fact timely paid on April 14, 2005 and thus the holding of abandonment for this application should be withdrawn. If any further action is required on behalf of the Applicant to reinstate this application, please contact the undersigned to expedite the handling thereof.

No petition fee is believed payable in view of this Petition however, in the event that a fee is due and payable, please charge the same to our Deposit Account as indicated below.

In the event that the Patent Office disagrees with Applicant's assessment of this matter, the undersigned respectfully requests that the Patent Office forward a formal explanation of why the Notice of Abandonment should not be withdrawn at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

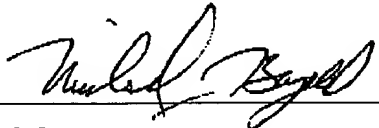
Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018  
Customer No. 020210  
Davis & Bujold, P.L.L.C.  
Fourth Floor  
500 North Commercial Street  
Manchester NH 03101-1151  
Telephone 603-624-9220  
Facsimile 603-624-9229  
E-mail: patent@davisandbujold.com

In re Appln of: **Mitsuhiko INAGUMA**  
Serial No.: **09/621,527**  
Filed: **July 21, 2000**  
For: **IN-BUILDING CATV SYSTEM, NAD UP-  
CONVERTER & DOWN-CONVERTER FOR  
USE THEREIN**  
Group Art Unit: **2614**  
Examiner: **Michael W. HOYE**  
Docket: **ADACHI P188USP1**  
  
RECEIVED: **Transmittal; Fee Transmittal;  
Check for \$1,400;  
Subm. of Issue Fee & Suppl.Decl.-1 pg.;  
Supplemental Declaration-1 pg.**

1fb:04/14/05

<b>DAVIS &amp; BUJOLD P.L.L.C.</b> 500 N. COMMERCIAL STREET MANCHESTER, NH 03101 PH. 603-624-9220		<b>CENTRIX BANK &amp; TRUST</b> BEDFORD, NH 03110-0454 54-202/1114	<b>13736</b> <b>04/14/05</b>
<b>PAY TO THE ORDER OF</b>	<b>COMMISSIONER FOR PATENTS</b>	<b>\$ 1,400.00</b>	
<b>ONE THOUSAND FOUR HUNDRED DOLLARS AND NO/100*****</b>		<b>DOLLARS</b>	
<b>FOR</b>	<b>ADACHI P188USP1 09/621,527 ISSUE FEE</b>		
<b>⑈013736⑈ ⑆011402024⑆ 1010010611⑈</b>			

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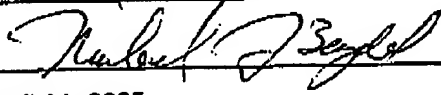
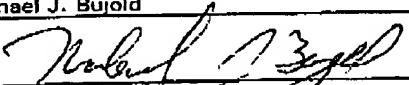
005

NOV 09 2005

PTO/SB/21 (12-97)

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Approved for use through 9/30/00. OMB 0851-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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	First Named Inventor	Mitsuhiko INAGUMA et al.
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REMARKS		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	Michael J. Bujold DAVIS & BUJOLD, P.L.L.C.	
Signature		
Date	April 14, 2005	
CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 14, 2005		
Type or printed name.	Michael J. Bujold	
Signature		
	Date: April 14, 2005	



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1459  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,527	07/21/2000	Mitsuhiko Inaguma	ADACHI P188USP1	4856
20210 7390 10/23/2005				
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151				
RECEIVED OCT 28 2005 DAVIS AND BUJOLD				
EXAMINER HOYE, MICHAEL W				
ART UNIT 2614		PAPER NUMBER		

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	09621527	Mitsuhiko Inaguma	
	Examiner	Art Unit	
	HOYE, MICHAEL W	2614	

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☒ The issue fee and publication fee, if applicable, was received on 04/18/05 (with a Certificate of Mailing or Transmission dated 04/15/05), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.  
(c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### Respond to the Notice of Abandonment by one of the following:

**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO 2058  
CONNECTION TEL 01181522310515  
SUBADDRESS  
CONNECTION ID ADACHI  
ST. TIME 04/14 14:52  
USAGE T 00'32  
PGS. SENT 1  
RESULT OK

MICHAEL J. BUJOLD  
(ADMITTED IN NH & ME)

NEAL E. FRIEDMAN  
(ADMITTED IN MA ONLY)

SCOTT DANIELS  
(ADMITTED IN NJO)

JAY S. FRANKLIN  
(Agent)

LAW OFFICES  
**DAVIS & BUJOLD, P.L.L.C.**  
FOURTH FLOOR  
500 NORTH COMMERCIAL STREET  
MANCHESTER, NEW HAMPSHIRE 03101-1151  
UNITED STATES OF AMERICA

TELEPHONE (603) 624-8220  
FACSIMILE (603) 624-9229  
E-mail: patent@davisandbujold.com

OF COUNSEL

ANTHONY G.M. DAVIS  
(ADMITTED IN NY ONLY)  
CHARTER PATENT AGENT (U.K.)  
EUROPEAN PATENT ATTORNEY

GARY D. CLAPP  
(ADMITTED IN MA ONLY)

BOSTON ADDRESS:  
P.O. BOX 87483  
BROOKLINE MA 02487  
(617) 327-1238

April 14, 2005  
VIA FACSIMILE  
(Total Pages - 1)

Tsutomu Adachi  
Adachi International  
Nagoyaseni Building  
9-27 Nishiki 2- Chome  
Naka-ku, Nagoya 460-0003  
JAPAN

RE: Mitsuhiro INAGUMA, Shigemitsu TORIYAMA and Yasuo NAKAYAMA  
U.S. Patent Appln. No. 09/621,527 filed July 21, 2000  
IN-BUILDING CATV SYSTEM, DOWN-CONVERTER, UP-CONVERTER AND AMPLIFIER  
Our ref: ADACHI P188USP1  
Your ref: MAS-21-US

Dear Tsutomu:

Thank you for your instructions of April 13, 2005 in accordance with which we paid the Base Issue Fee for this application on the Large entity basis and submitted the forwarded Supplemental Declaration. The United States Letters Patent, concerning this subject matter, should issue in a few months time.

We will keep you advised of further developments as they arise in this application and enclose our debit note in connection with this matter.

MICHAEL J. BUJOLD  
(ADMITTED IN NH & ME)

NEAL E. FRIEDMAN  
(ADMITTED IN MA ONLY)

SCOTT DANIELS  
(ADMITTED IN NH)

JAY S. FRANKLIN  
(Agent)

LAW OFFICES  
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FOURTH FLOOR  
500 NORTH COMMERCIAL STREET  
MANCHESTER, NEW HAMPSHIRE 03101-1151  
UNITED STATES OF AMERICA

TELEPHONE (603) 624-9220  
FACSIMILE (603) 624-9229  
E-mail: patent@davisandbujold.com

OF COUNSEL

ANTHONY G.M. DAVIS  
(ADMITTED IN NY ONLY)  
CHARTER PATENT AGENT (U.K.)  
EUROPEAN PATENT ATTORNEY

GARY D. CLAPP  
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BOSTON ADDRESS:  
P.O. BOX 67463  
BROOKLINE MA 02467  
(617) 327-1238

April 14, 2005  
VIA FACSIMILE  
(Total Pages - 1)

Tsutomu Adachi  
Adachi International  
Nagoyaseni Building  
9-27 Nishiki 2- Chome  
Naka-ku, Nagoya 460-0003  
JAPAN

RE: Mitsuhiko INAGUMA, Shigemitsu TORIYAMA and Yasuo NAKAYAMA  
U.S. Patent Appln. No. 09/621,527 filed July 21, 2000  
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Yours sincerely,  
DAVIS & BUJOLD, P.L.L.C.



Michael J. Bujold

MJB:lfb  
Enclosure

NOV 09 2005

4/14/05

PATENT REGISTRATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Mitsuhiro INAGUMA, Shigemitsu TORIYAMA and  
Yasuo NAKAYAMA  
Serial no. : 09/621,527  
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Examiner : Michael W. HOYE  
Docket : ADACHI P188USP1

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Notice of Allowance Dated : January 14, 2005

**SUBMISSION OF ISSUE FEE AND SUPPLEMENTAL DECLARATION**

In response to the Notice of Allowability mailed May 20, 2003, the associated issue fee accompanies this submission.

Enclosed is a Supplemental Declaration executed by Mitsuhiro INAGUMA, Shigemitsu TORIYAMA and Yasuo NAKAYAMA, the inventors of this case. No fee is believed payable with respect to the Supplemental Declaration and it is respectfully requested that this document be made of record in the above referenced application.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018  
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500 North Commercial Street  
Manchester NH 03101-1151  
Telephone 603-624-9220  
Facsimile 603-624-9229  
E-mail: patent@davisandbujold.com